SUPPLEMENT TO

The Mysore Gazette

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BANGALORE, THURSDAY, APRIL 30, 1914.

Abstract Proceedings of the Mysore Legislative Council.

The Council met in the Central Hall, Public Offices Buildings, Bangalore, on Tuesday, the 14th April 1914, at 12 noon.

PRESENT.

M. VISVESVARAYA, ESQ., B.A., L.C.E., M.INST. C.E., C.I.E., Dewan (Presiding).

Ex-officio Members.

1. RAJAMANTRAPRAVINA H. V. NANJUNDAYYA, ESQ., M.A., M.L., C.I.E., First Member of Council.
2. M. KANTARAJ URS, ESQ., B.A., Second Member of Council.

ADDITIONAL MEMBERS.

Official.

1. K. S. DORASWAMI IYER, ESQ.
2. DEWAN BAHADUR J. S. CHAKRAVARTI, ESQ., M.A., F.R.A.S.
3. C. SRIKANTESVARA AIYAR, ESQ., B.A., B.L.
4. RAO BAHADUR M. SHAMA RAO, ESQ., M.A.
5. P. RAGHAVENDRA RAO, ESQ., B.A., B.L.
6. K. R. SRINIVASIENGAR, ESQ., M.A.
7. C. S. DORASWAMI IYER, ESQ., B.A., B.L.

Non-official.

1. RAJAMANTRAPRAVINA C. SREENIVASIENGAR, ESQ.
2. RAJASABHABHUSHANA DEWAN BAHADUR K. P. PUTTANNA CHETTY, ESQ.
3. RAJAKARYAPRAVINA RAO BAHADUR A. RANGASWAMI IYENGAR, ESQ., B.A., B.L.
4. SYED AMIR HASSAN, ESQ.
5. S. SEETARAMAYYA, ESQ.

6. M. VENKATAKRISHNAYYA, ESQ.
7. M. KARNICK KRISHNAMURTHI RAO, ESQ.
8. B. NARASINGA RAO, ESQ.
9. S. R. BALAKRISHNA RAO, ESQ., B.A., LL.B.
10. B. K. GARUDACHAR, ESQ.
11. S. VENKATESAIYA, ESQ., B.A., B.L.
12. B. VENKATASHAMANNA, ESQ., B.A., B.L.
13. K. SHANKARANARAYANA RAO, ESQ., M.A., B.L.

S. P. RAJAGOPALACHARI, ESQ., B.A., B.L. (Secretary).

The Secretary's Report to the Council.

The Secretary reported to the Council :—

(1) that the following Bills received the assent of His Highness the Maharaja, on the dates noted against them :—

(*a*) The Bill to amend the Mysore Legislative Council Regulation, 1907—11th February 1914.

(*b*) The Mysore Factories Bill—28th March 1914, and

(2) that the following gentlemen took their seats as additional members of the Council, *viz* :—

DEWAN BAHADUR MR. J. S. CHAKRAVARTI, M.A., F.R.A.S.

MR. P. RAGHAVENDRA RAO, B.A., B.L.

„ K. R. SRINIVASIENGAR, M.A.

„ B. K. GARUDACHAR.

„ S. VENKATESAIYA, B.A., B.L.

„ B. VENKATASHAMANNA, B.A., B.L.

„ K. SHANKARANARAYANA RAO, M.A., B.L.

THE DEWAN.—GENTLEMEN,—This is an occasion of some importance in the life of this Council, since we meet here for the first time with our constitution improved and functions enlarged, under the new Regulation graciously sanctioned by His Highness the Maharaja.

From this day forward, you will exercise the privilege of interpellation and your opportunities for *discussion and criticism* are also enlarged. In other directions also have opportunities been afforded to the leaders of the people to associate themselves in public work with Government in district, town and village. The discussions should be pursued in every case with an eye to determination and action. Investigation and discussion, if persevered in, cannot fail to lead to practical measures for improving the lot of our people.

There is nothing in the criticism that we get in this country as compared with other advanced countries that any one can take exception to. The only difference perhaps is that criticism is more directed against new measures than against stagnation and that the volume of constructive work done in the country, as compared with the amount of criticism levelled against it, is disproportionately small.

In a semi-developed country like ours, we need for the public service every brain that can devise and every hand that can execute measures to foster progress. We should do nothing to discourage effort and action; otherwise the energy and driving power which the country sorely needs may dry up at its very source.

Later on, when the volume of constructive work grows and when the country has produced more thinkers and workers and when driving power becomes the rule and passivity the exception, criticism on the Western party model might become helpful and stimulating.

Till then, I pray you not to carry criticism beyond the point where its constructive value ceases.

Gentlemen,—Our meetings will be more frequent in future and our deliberations will carry more weight on account of the increased representative character of this assembly.

I am voicing the feelings of my colleagues and myself when I say that it gives us great pleasure to welcome so many representatives of the public, and that we esteem it a privilege to be associated with them in the work of this Council.

MR. M. VENKATAKRISHNAYYA :—Sir,—On behalf of myself and my non-official colleagues, I offer my sincere congratulations to the Government on the progressive steps they have taken to bring this Council to its present condition. When the Legislative Council was first vouchsafed to us, it was not thought that we would have the non-official majority we have to-day. I do not think that even in British India such a progressive spirit has been shown and we cannot but congratulate the Government of Mysore on the advanced step they have taken in this matter.

In the speech delivered by the Diwan Saheb just now, it is evident that all constructive criticism is invited from the Members of this Hon'ble Council. We on our part promise to Government that we shall never go beyond the constitutional limit to which we can carry our criticisms of the measures of Government and we shall ever try to deserve the confidence that is placed in us by the Government of His Highness the Maharaja. We feel it our duty to co-operate with the Government for the good administration of the country and we shall try to do our best to co-operate with them.

QUESTIONS AND ANSWERS.

MR. B. NARASINGA RAO asked :—

1. That the Government may be pleased to state :—
   (1) When the Retrenchment Committee was formed.
   (2) In what departments retrenchment have been effected and to what extent.
   (3) Whether the Government may not appoint some non-official gentlemen to co-operate in the work of the said Committee.

MR. K. R. SRINIVASIENGAR replied :—

(1) In 1906. The Committee was reconstituted in 1911.
(2) A statement* showing the information is furnished to the member.
(3) At present Government do not consider it necessary to appoint non-officials on the Retrenchment Committee; but any views which non-official gentlemen may communicate in writing will be duly considered by the Committee.

MR. B. NARASINGA RAO asked :—

2. That the Government may be pleased to state :—
   (1) How many applications by Inamdars praying for the settlement of their claim to toddy revenue are pending disposal by Government.
   (2) What is the date of the earliest of such applications.
   (3) How long may it take to dispose of them.

MR. M. KANTARAJ URS replied :—

(1) About 25 cases are pending disposal.
(2) 11th July 1907.
(3) The disposal of the applications depends upon the settlement of certain general principles relative to the settlement of such claims which are receiving special attention. An endeavour is being made to reach an early decision.

MR. B. NARASINGA RAO asked :—

3. That the Government may be pleased to state.—
   (1) How many juvenile offenders are undergoing imprisonment in the Mysore Jails.
   (2) What arrangements have been made to segregate them from other criminals and to give them some kind of education with a view to reform them.

* Printed as Appendix A.

MR. M. KANTARAJ URS replied :—

(1) The number of juvenile offenders undergoing imprisonment is 14 in t Bangalore Central Jail and none in the Mysore Jail.

(2) Juvenile prisoners are kept separate from other criminals in the Bang lore and Mysore Jails, a portion of the jail building being set apart f the purpose. A literate and well-behaved convict is deputed for instructing this class of prisoners who are employed on various industries, such as gardening, carpentry, carpet-making, etc.

MR. KARNICK KRISHNAMURTHI RAO asked :—

4. Will the Government be pleased to state whether they are aware of the hardships of the people in Bangalore City and Mysore Municipalities by the introduction of water metres and the new rules; and whether they are prepared to minimise, if not abolish the system, as water is essential for the every day necessities of life. A specific few cases are given in the margin.

1. M. Annaji Rao
2. Ramachandra Mudaliar
3. M. K. Krishna Murti Rao
4. S. Narayana Rao
5. K. Matthan

MR. K. R. SRINIVASIENGAR replied :—

Government are not aware of any hardship.

The excess charges on these water-supply systems which are heavy are borne by the general tax-payer instead of, as is usual, by the Municipality or the townspeople. No reason has been shown for altering or abolishing the new rules.

MR. KARNICK KRISHNAMURTHI RAO asked :—

5. Will the Government be pleased to state the number of defalcations in the State in their different branches, also in Bangalore City Municipality, for the last ten years, the amount involved in these defalcations, the method or methods adopted to prevent and detect them and arrangements made to recoup the loss to the State coffers and the balance if any still left unrecouped.

MR. K. R. SRINIVASIENGAR replied :—

Cases of defalcation are dealt with as they occur. No consolidated account of such defalcations has been prepared. Government do not consider it will serve any useful purpose to collect the statistics for the past ten years.

MESSRS. M. VENKATAKRISHNAIYA AND S. R. BALAKRISHNA RAO asked :—

Will the Government be pleased to make a statement on the following points :—

6. (1) What amount of the surplus revenue of the Civil and Military Station has already been placed at the disposal of the Government and for what period ?

(2) Has this been invested, if so, how ?

(3) On what specific purposes is this amount intended to be spent ?

(4) What is the balance of past surplus still due to Government and when is this likely to be handed over to them by the Civil and Military Station ?

(5) Whether a definite policy of appropriating this revenue both accumulated and recurring will not be laid down by the Government and published for the information of the public ?

MR. J. S. CHAKRAVARTI replied :—

(1) Thirty lakhs of rupees out of Rs. 39,22,939-10-8 calculated up to the end of 1910-11.

(2) The amount has been credited to the general revenues for purposes of investment.

(3) *Vide* answer to 6 (5).

(4) The balance due until the end of 1910-11 is Rs. 9,22,939-10-8. The surplus of the subsequent years is pending determination and it is not possible to say when this will be settled.

(5) The surplus becomes merged in the general cash balances. Government have no intention of laying down any definite rules for appropriating this item of revenue for any special purposes.

MESSRS. M. VENKATAKRISHNAIYA AND S. R. BALAKRISHNA RAO asked:—

7. (1) What proposals of the Retrenchment Committee have been accepted by the Government hitherto and what is the saving effected thereby?

(2) What proposals of the same body have been rejected by Government hitherto and what saving would have resulted therefrom?

(3) Whether the Government will consider the desirability of co-opting select non-officials on the Retrenchment Committee in future?

MR. K. R. SRINIVASIENGAR replied:—

(1) and (2) A statement* containing the information is furnished to the member.

(3) *Vide* answer to question No. I (3).

MESSRS. M. VENKATAKRISHNAYYA AND S. R. BALAKRISHNA RAO asked:—

8. What charges have already been sanctioned as against the lumpsum addition of five lakhs under "26 Miscellaneous" in the current year's budget and what schemes, the cost of which is debitable to this provision are now engaging the consideration of Government?

MR. J. S. CHAKRAVARTI replied:—

A statement† showing the charges sanctioned and likely to be incurred is laid on the Council Table.

MESSRS. M. VENKATAKRISHNAYYA AND S. R. BALAKRISHNA RAO asked:—

9. (1) Will the Government be pleased to lay the Government Order on the "Efficiency Audit" on the Council Table?

(2) If not, will the Government be pleased to make a statement of such of the essentials of the constitution of "Efficiency Audit" as have not already been published and of the lines on which the new system is being worked at present.

(3) Will the Government be pleased to consider the desirability of promoting the efficiency of the "Efficiency Audit" itself by appointing a suitable officer to tour about the State and to get into close touch with local conditions for the benefit of the Government and the public alike without entrenching on the legitimate functions of the ordinary departmental authorities?

MR. K. R. SRINIVASIENGAR replied:—

(1) and (2) Government will be glad to allow the members to peruse the order for their private information.

Government do not consider it expedient to place it on the Council Table at this stage.

(3) The suggestion will receive consideration when the necessity for such an appointment is felt.

MESSRS. M. VENKATAKRISHNAYYA AND S. R. BALAKRISHNA RAO asked:—

10. (1) Whether the reorganization of the Civil Courts establishments is engaging the consideration of Government?

(2) If not, whether in view of the low scale of pay fixed for these establishments many years ago, the rise in prices of foodstuffs and the liberal rates of pay granted within recent years to members of revenue and other establishments, the question will not be seriously considered at an early date?

MR. H. V. NANJUNDAYYA replied:—

(1) and (2). Government have recently passed orders reorganizing the Process establishments of the Civil Courts at an extra cost of Rs. 8,100 per year. A scheme for the reorganization of the other establishments of the Civil Courts is understood to be engaging the consideration of the Chief Court.

* Printed as Appendices A and B.

† Printed as Appendix C.

A Bill further to amend the Local Boards Regulation, 1902.

MR. M. KANTARAJ URS.—Sir,—The motion standing in my name is for leave being granted to introduce a Bill to further amend the Mysore Local Boards Regulation, 1902. The object of this Bill is to empower the levy of a separate shop tax in Unions. At present, the Local Boards Regulation authorises the levy of only house tax in Unions, as shops and warehouses are included in the term 'houses' under the definition of a 'house' given in Section 20 of the Regulation.

The main object of this Bill is thus to take steps to improve the resources of an important unit in our system of local Self-Government, *viz.*, the Unions. I need not dwell on the necessity which exists for augmenting the resources of our local bodies. This question has become one of practical significance in British India, as well as here, in view of the larger functions which public opinion demands from District Boards and other self-governing bodies. Their slender financial resources make it difficult for them to perform even their statutory functions, much less to enlarge them. You will therefore recognise that any measure, which tends to put more funds into the hands of the District Boards, etc., is a step in the right direction.

It is perhaps within the knowledge of you all that in villages which have not been constituted into Unions, shop tax is being levied, under the Mohatarfa Rules, in addition to house tax, cart and oil-mill tax. The basis of taxation of shops in villages is different from that of the house tax, the former being based on the nature of the trade and the latter upon the nature of the property. If a village is constituted into a Union, the Local Boards Regulation applies so far as local taxation is concerned and shop tax ceases to be levied therein in virtue of Rule 45 (2) of the Local Boards Rules. The rates of house tax provided in the Local Boards Regulation being lower than the mohatarfa shop tax, it follows that the income from a Union under this head of taxation will be considerably lower than the income from this source if the village is not converted into a Union. This is certainly an anomaly and certan District Boards therefore suggested that the law may be amended so that the mohatarfa shop tax may be levied in Unions.

After careful consideration of the question, Government have come to the conclusion that there is a great deal to be said in favour of the proposal. There is no doubt that the income of the Unions in the State is unduly low, the highest average annual income of a Union in the State in 1911-12 having been only Rs. 735 and the lowest Rs. 184, thus showing the necessity to increase the sources of income as much as possible. Another disadvantage of the existing practice is that it does not enable the authorities to exercise any discrimination in assessing houses and shops in Unions. Even a shop earning a large revenue has to be assessed at the same rate as an ordinary dwelling house; and thus the incidence of taxation falls more heavily on house-owners than on merchants and traders.

For these reasons Government have decided to empower the District Boards to levy shop tax in Unions in addition to the house tax by amending Section 20 of the Regulation suitably. The rates of shop tax inserted in the Bill are lower than those recognized by the Mohatarfa Rules, in view of the proposed levy of shop tax being in addition to the house tax in Unions.

MR. K. R. SRINIVASIENGAR.—Sir,—After the lucid and exhaustive speech in which the Second Member of Council has explained the objects and the necessity of the Bill there is little for me to add. It is an admitted and well-known fact that the resources of our District Boards are very limited and unless their finances are improved, it will be impossible for them to meet the present requirements of the various Unions in respect of sanitation, drainage, water-supply, etc. There is nothing new or novel in the proposed tax as shop-tax is now being recovered in all villages which are not formed into Unions. It is not, therefore, apparent why this should not be done in the Unions also. On the other hand, there is all the greater reason to strengthen their financial position by the proposed tax. With these few remarks, I beg to second the motion.

The motion was put to vote and passed.

The Bill further to amend the Mysore Court Fees Regulation.

MR. H. V. NANJUNDAYYA.—Sir,—I beg to move that the Bill further to amend the Mysore Court Fees Regulation be passed. The Bill is a very short one and is to this effect:—

"The words 'or refund in value for' shall be inserted after the words 'the renewal of' in sub-section (*c*) of Section 35."

This is only a formal motion as the bill has been before this Council previously. I beg that the Bill be passed.

MR. C. S. DORASWAMY IYER.—I second it.

The motion was put to vote and passed.

The Bill to amend the Mysore Mines Regulation, 1906.

MR. H. V. NANJUNDAYYA.—Sir,—I beg to move that the Bill to amend the Mysore Mines Regulation, 1906, be passed. The amendment is in respect of Sections 17, 18 and 19, and is as follows:—

"1. The following shall be substituted for Section 17, *viz.*,

'17. The Superintendent of Police for the Kolar Gold Fields may, by order in writing, direct any person, whose residence within such area as may be notified by Government from time to time is considered undesirable, to quit the said area within twenty-four hours and such person shall not, after the lapse of the said time, remain at or re-enter the said area without the permission of the said Superintendent of Police.

An order passed under this section may be cancelled by the Superintendent of Police or by the District Magistrate.'

2. The last sentence of Section 18 beginning with the word 'any' and ending with '19' shall be omitted.

3. In Section 19 of the said Regulation, for the words 'an offence' in the first line, the words 'any act prohibited' shall be substituted."

This Bill also has passed through all its preliminary stages and it only remains for this Council to pass it finally. So I beg that this Bill be passed.

MR. C. SRIKANTESVARA AIYER.—I second it.

The motion was put to vote and passed.

The Bill further to amend the Code of Civil Procedure, 1911.

MR. H. V. NANJUNDAYYA.—Sir,—I beg to move that the Bill further to amend the Code of Civil Procedure, 1911, be read in Council.

This measure refers to the partition of estates situated in Municipalities. It has been brought before Government often that where partitions of small houses situated within Municipalities, have to be effected, sub-divisions become often so minute as to prevent proper ventilation to the portions and the whole area is rendered insanitary. The provision that we want to insert in the Code is to the following effect:—

"The following new section shall be added after Section 54 of the Regulation as Section 54 A:—

'54 A (1) Where a Civil Court passes a decree for the partition of a building situate within the limits of a Municipality to which the provisions of this section have been declared by Government by a notification in the official Gazette to apply, the partition shall be made by the President of the Municipality in accordance with the law for the time being in force for the execution of such decrees.

(2) It shall be competent for the President executing such decrees to exercise the powers conferred by Sections 2 and 3 of the Partition Regulation, 1913, notwithstanding that the sharers or any of them have not asked for a sale of the property.

(3) In executing a decree under this section the President of the Municipality shall be deemed to be acting judicially.

(4) An appeal shall lie from the orders passed by the President in those cases in which an appeal would have been allowed if the orders had been passed by the Court which passed the decree to the Court to which appeals ordinarily lie from that Court.'"

You are already aware, I believe, that there is a provision in the Civil Procedure Code as at present in force for the partition of estates paying revenue to Government. In such cases, power is given to the Civil Court to send the partition decrees to the Deputy Commissioner for execution. There are various rules for the sub-division of numbers, laid down in the Revenue Code and the Revenue Rules, and the Deputy Commissioner pays attention to these rules and exercises his power in the best manner possible in accordance with these rules. There is no such provision in the Civil Procedure Code referring to house properties situated within Municipalities. Lately, you are aware, that a Regulation has been passed to give power to Civil Courts to effect partitions of property in certain cases. That is, where sharers representing more than half the value of the property desire it, the partition instead of being made by mere division of the number, may be made in other ways; for instance, where the division becomes too minute, the property may be either sold by auction or allotted to one sharer, etc. Now, it is proposed that just as decrees for partition of revenue paying estates may be sent to the Deputy Commissioner for execution, the decree for the partition of houses may be sent to the President of a Municipality if situated within a Municipality. It is, however, not proposed to make this a universal rule applicable to all Municipalities. Government have reserved the power to extend the provision to such Municipalities as they may deem fit to bring under the operation of this provision.

One other alteration not covered by the Partition Regulation has been made and that is:—In the Partition Regulation, a partition may be made only on the application or consent of the larger proportion of share-holders. But it is proposed to take away that restriction in this case. Probably the Municipal President will have to deal with very small houses and to make it conditional that he should exercise the power only with the consent of the parties would, to a great extent, reduce the provision to nullity. It is on that ground that we propose to give discretion to the President to exercise the powers under the Partition Regulation on his own initiative, without any consent or application. We also propose to have the same provisions about appeals in respect of these proceedings taken by the Municipal President for execution also. The President, when executing such decrees will be considered to be a Judicial officer and appeals will lie from his orders to the Court to which appeals from the Court passing the decree will ordinarily lie.

These are the provisions embodied in the clause now submitted for your approval. I beg therefore that this Bill be read in Council.

MR. K. P. PUTTANNA CHETTY.—Sir,—I beg to second the motion. In doing so, I desire to state that this provision is intended to apply to 4,000 insanitary houses in the Bangalore City. Such a rule has been in force in other parts of India and will be introduced here none too soon. I should have supported this motion even if I were not the President of the Bangalore City Municipality because the provision is justifiable on every ground both legal and sanitary. I would therefore second the motion.

MR. S. SEETHARAMAIYA.—Sir,—The Regulation of 1913 has made provision for preventing property from being divided into small minute portions and has laid down that if the parties interested in the moiety of the property or more apply to the Court for the property being sold instead of being sub-divided, it is only then that power is given to the Court to sell the property by auction. In the absence of the application for sale, the property should only be sub-divided, however minute the sub-division might be. That is not a sufficient safeguard against too minute divisions of properties. This provision supplies the need completely by giving power to the Court to refer the matter to the President of the Municipality in the cases of houses situated within the Municipality, where experience has shown that very special care should be taken in keeping them in good sanitary condition. If in the Municipalities, divisions of houses are allowed at the whims and fancies of the parties surely all sanitary principles would be completely violated and it is on that account we have been seeing that most of the important cities and towns have

been mostly in a congested state and a lot of trouble has to be taken in consequence to open them out. This provision will, I think, therefore, be a very wholesome safeguard against such congestion. I would therefore strongly support it.

The motion was put to vote and passed.

MR. H. V. NANJUNDAYYA.—Sir,—Before putting the next motion to the Council, I beg to know whether in the opinion of this Council it is quite necessary to refer the Bill to a Select Committee. Regulation III of 1913, that is the Partition Regulation, has already accepted the principles and passed them into law. Section 2 of that Regulation runs as follows :—

Power to Court to order sale instead of division in partition suits.

"2. Whenever in any suit for partition in which, if instituted prior to the commencement of this Regulation, a decree for partition might have been made, it appears to the Court that, by reason of the nature of the property to which the suit relates, or of the number of the shareholders therein, or of any other special circumstance, a division of the property cannot reasonably or conveniently be made, and that a sale of the property and distribution of the proceeds would be more beneficial for all the shareholders, the Court may, if it thinks fit, on the request of any of such shareholders interested individually or collectively to the extent of one moiety or upwards, direct a sale of the property and a distribution of the proceeds."

Then there are two or three other provisions which lay down alternative modes of procedure, *viz.*—

Procedure when sharer undertakes to buy.

"3. (1) If, in any case in which the Court is requested under the last foregoing section to direct a sale, any other shareholder applies for leave to buy at a valuation the share or shares of the party or parties asking for a sale, the Court shall order a valuation of the share or shares in such manner as it may think fit and offer to sell the same to such shareholder at the price so ascertained, and may give all necessary and proper directions in that behalf.

(2) If two or more shareholders severally apply for leave to buy as provided in sub-section (1), the Court shall order a sale of the share or shares to the shareholder who offers to pay the highest price above the valuation made by the Court.

(3) If no such shareholder is willing to buy such share or shares at the price so ascertained, the applicant or applicants shall be liable to pay all costs of or incident to the application or applications.

Partition suit by transferee of share in dwelling house.

4. (1) Where a share of a dwelling house belonging to an undivided family has been transferred to a person who is not a member of such family and such transferee sues for partition the Court shall, if any member of the family being a shareholder shall undertake to buy the share of such transferee, make a valuation of such share in such manner as it thinks fit, and direct the sale of such share to such shareholder and may give all necessary and proper directions in that behalf.

(2) If in any case described in sub-section (1) two or more members of the family being such shareholders severally undertake to buy such share, the Court shall follow the procedure prescribed by sub-section (2) of the last foregoing section."

This is only a particular case of the application of these principles. We seek to apply it in a particular manner in the case of Municipalities. The only important innovation that is sought to be introduced now is that the condition that the shareholders interested individually or collectively to the extent of one moiety should consent—is left out. If this Council agrees that it is unnecessary to further consider the matter and that we may safely pass it at once, I would move that the Rules of Business be suspended and that the Bill be taken into consideration at once. But if it is the sense of this Council that it had better go to the Select Committee, I shall have no objection.

MR. B. NARASINGA RAO.—Sir,—We have already accepted the principles of the Partition Regulation. Under the proposed Bill it is also provided that if the parties agree to a particular division, the Municipal President may take the desire of the parties into consideration by properly seeing to the sanitation, etc., of the

property. So, I don't think that any useful propose is served by referring it to the Committee.

MR. S. R. BALAKRISHNA RAO.—Sir,—With regard to this, I have got one doubt. The Partition Regulation mentions certain circumstances which should exist before an order for partition can be made; but in the present Regulation no mention is made as to what circumstances should determine the necessity or otherwise of a partition. I think, unless the present Bill makes provision by which the powers of the President are defined as to what conditions are necessary for effecting a partition, the Bill will be defective and the partition provisions of Regulation III of 1913 will be of no avail.

MR. H. V. NANJUNDAYYA.—The whole of Section 2 of the Regulation will apply.

MR. S. R. BALAKRISHNA RAO.—But the circumstances that prevent the revenue paying estate from being partitioned do not apply here. Moreover the expression "Any other circumstances" is not defined. I think it is better that it should go before a Select Committee.

MR. C. SRINIVASIENGAR.—Section 2 refers to the procedure on the application of the share-holders. Section 3 speaks of the action to be taken after such application is made. Whereas in the proposed Bill there may or may not be an application. Even without the application the Municipal President may take action It seems to me better to refer the Bill to a Select Committee.

MR. H. V. NANJUNDAYYA.—Sir,—As there is a difference of opinion on the question of shortening the procedure, I beg to move that the Bill be referred to a Select Committee consisting of the following members, *viz.*—

Messrs. K. P. Puttanna Chetty, C. Sreenivasiengar, S. R. Balakrishna Rao, C. S. Doraswamy Iyer and myself.

MR. K. P. PUTTANNA CHETTY.—I second it.

The motion was put to vote and passed.

The bill to provide for grant of Probate of Wills and Letters of Administration to the Estate of certain deceased persons.

MR. H. V. NANJUNDAYYA.—Sir,—In moving that the report of the Select Committee on the Probate and Administration Bill and the Bill as amended by them be taken into consideration. I shall first of all read the Select Committee's report which is as follows:—

We, the members of the above Committee, have the honour to state that we have carefully considered the Bill.

The only alteration of importance is in clause 87 of the Bill. The express mention of certain causes of action only as exceptions would unsettle the law as understood at present, and introduce uncertainly as to cases not mentioned, and so we have substituted more general phraseology, leaving it to the courts to apply the rules of law in force intact. The words substituted are "except causes of action that are of a strictly personal nature or do not survive under any rule of law" for the words "except causes of action for defamation, assault as defined in the Indian Penal Code as in force in Mysore, or other personal injuries not causing the death of the party." The other alterations made by us are of a purely verbal nature.

Some members of the Committee were at first inclined to doubt the necessity for the measure; but after considering all the provisions in detail, we are all agreed that it would be useful enactment and may be passed into law.

As the Bill has not been materially altered, it need not be republished in the Gazette.

It has been signed by myself and by Messrs. C. Srikantesvara Aiyar, C. S. Doraswamy Iyer and B. Narasinga Rao. But Mr. C. Srinivasiengar has remarked at the foot of the report as follows:—"I approve the report with the observation that there is something in the bill that promises to be beneficial while there seems nothing in it that threatens to be harmful. Mysore is not in urgent need of this

measure, but all the same it would at least not be any the worse for it." His opinion is neither in favour, nor quite against the opinion of the majority. But all the same the support he gives to the Bill is very valuable considering the weight to be attached to any opinion given by him.

We have made only one important alteration in clause 87 of the Bill.

Clause 87 reads as follows:—

87. "All demands whatsoever, and all rights to prosecute or defend any suit or other proceeding, existing in favour of or against a person at the time of his decease, survive to and against his executors or administrators, except causes of action for defamation, assault as defined in the Indian Penal Code as in force in Mysore, or other personal injuries not causing the death of the party, and except also cases where, after the death of the party, the relief sought could not be enjoyed, or granting it would be nugatory."

Demands and rights of suit of or against deceased survive to and against executor or administrator.

Three classes of cases are given as exceptions and our mentioning them would mean that all other cases of 'demands whatsoever, etc.,' survive to and against his executors. In order to word it in such a manner that no change in the substantive law might be imported the Select Committee changed the phraseology to 'except causes of action that are of a strictly personal nature or that do not survive under any other rule of law.' A few verbal alterations here and there are also made so as not to make any change in the draft framed on the model of the British enactment.

I therefore beg to move that this report of the Select Committee with the Bill as amended by them be taken into consideration.

Mr. C. S. Doraswami Iyer.—Sir,—I beg to second the motion that has been placed before you just now. But being one that was in the Select Committee and as responsible partly for the report sent up I wish to make a few observations as regards the measure itself as to whether it is one which is profitable to introduce into Mysore, whether it serves any useful purpose or whether it is introduced simply because it is a harmless measure. It may not be out of place to note that this Probate and Administration Regulation is intended to cover cases where a representation of a deceased Hindu, Buddhist, Jain or other person exempted from the operation of the Indian Succession Act, has to be done effectively and completely and also I may say, conclusively. There are, no doubt, certain other Regulations which do approach in that direction to a certain extent, for instance, the Succession Certificate Act which is already in the Statute Book of Mysore. But that does not empower a certificate holder to administer the estate; but only empowers him to collect the debts which are in the schedule attached to the certificate. Then there is the Hindu Wills Act which even in British India has got a limited territorial application and for obvious reasons has not been introduced in Mysore at all. Even that affects only the testamentary power. From a fiscal point of view also, the measure does not work any hardship because you are aware that property of the value of less than Rs. 1,000 is exempted from taxation already. The two per cent that has to be paid need not be paid if the property is worth less than Rs. 1,000. There is another advantage. For the same estate for which a succession certificate has been granted, the duty that is paid on the certificate is deducted in calculating the duty that is payable on the grant of letters of administration. So that there is this double advantage by this measure. There is a voluntary tax as it were by the people themselves when succeeding to the estates of wealthy persons—the tax that is paid depending upon the wealth or the property left by the deceased—and there is also the conclusive title. I therefore think that this measure is not only harmless but also useful.

With these observations, I heartily second the motion.

Mr. S. R. Balakrishna Rao.—Sir,—I have got one small verbal alteration to suggest. In the clause the words "except causes of action that are of a *strictly* personal nature," occur. I would omit "strictly." There are no causes of action that are "strictly" of a personal nature at one time and not strictly so at another time. I would therefore omit the word "strictly." I have no objection to adopt the word "purely" or "exclusively" instead.

MR. B. NARASINGA RAO.—Or, we might omit the word "strictly" altogether.

MR. S. SEETHARAMAIYA.—"Solely" might be substituted for "strictly."

After some slight discussion it was decided to retain the word "strictly."

MR. H. V. NANJUNDAYYA.—Sir,—I now beg to move that in para 1 of clause 1 of the Bill the figure "14" be inserted after the figure "19" and that in para 3 of clause 1, the words "July 1914" be inserted after the word "cf."

MR. C. S. DORASWAMY IYER.—I second it.

The motion was put to vote and passed.

MR. H. V. NANJUNDAYYA.—Sir,—I next move that the Bill as amended be passed.

MR. C. S. DORASWAMY IYER.—I second it.

The motion was put to vote and passed.

Amendment of Rule 58 of the Rules for the conduct of business of the Mysore Legislative Council.

MR. H. V. NANJUNDAYYA.—Sir,—the next motion in my name on the agenda is to modify Rule 58 of the Rules for the conduct of business of the Mysore Legislative Council about admission of strangers to meetings of the Council. The first sentence of Rule 58 as it now stands reads as follows:—

"Persons desirous of admission into the Council Chamber during the sittings of Council shall make application to the Secretary, who will take orders of the President thereon." Under this rule every application for admission has to be sanctioned, by the President. It is now proposed to modify this rule by the omission of the words "who will take orders of the President thereon" so that the Secretary may himself be able to dispose of such applications and issue the tickets according to the number of seats available. In case of any doubt or difficulty he will take orders from the President. I therefore beg to move that in Rule 58 of the Rules for the conduct of business of the Mysore Legislative Council the words "who will take orders of the President thereon" occurring at the end of the first sentence be omitted.

MR. K. R. SRINIVASIENGAR.—I second it.

The motion was put to vote and passed.

The meeting then terminated.

By Order,
S. P. RAJAGOPALACHARI,
Secretary, Mysore Legislative Council.

APPENDIX A.

Question 1 (2) and 7 (1).

STATEMENT SHOWING THE DEPARTMENTS IN WHICH RETRENCHMENTS HAVE BEEN EFFECTED AND THE EXTENT OF THE FINANCIAL RESULTS:—

	Rs.
Registration Department	8,000
Judicial ,, ...	51,000
Excise ,, ...	62,800
Prisons ,, ...	1,200
Geological ,, ...	1,200
Menial Establishments.—Travellers' bungalows	8,700
Menial Establishments.—Head-quarter Offices	3,000
Menial Establishments.—General and Revenue Secretariat ...	7,200
Revision of the State Huzur Treasury	4,300
Liveries and clothing to peons	3,000
Land Revenue Department	2,600
Public Works Department	1,13,000
Total ...	2,66,000

NOTE.—With development of work, additions to the expenditure on some of these Departments have since been sanctioned as required.

APPENDIX B.

Question 7 (2).

STATEMENT SHOWING THE PROPOSALS, ETC., OF THE RETRENCHMENT COMMITTEE, NOT SANCTIONED BY GOVERNMENT.

		Rs.
1.	Abolition of the post of the Second State Geologist, etc. ...	11,100
2.	Abolition of the Kunigal Stud Farm	30,000
3.	Reduction of the Bar forces, etc.	23,500
4.	Abolition of the Savar Establishment stationed at Shimoga ...	21,200
5.	Abolition of the Meteorological Department	12,000
	Total ...	97,800

APPENDIX C.

Question 8.

The following are the charges which have been sanctioned and which are likely to be incurred against the lump sum grant of 5 lakhs as originally intended :—

(i) Recurring charges.

		Rs.
1.	Revision of the Taluk Office establishment from March 1914 ...	10,939
2.	Re-organization of the City Police (from October 1913) ...	49,843
3.	Revision of the Comptroller's Office	10,768
4.	Revision of the District Office Establishment from March 1914 ...	1,725
5.	Efficiency Audit Department	8,326
6.	Temporary Record Sorting Establishment for the General and Revenue Secretariat (for four months)	2,000
7.	Reorganization of the Agricultural Department (from March 1914)	21,418
	Total ...	1,05,019

(ii) Non-recurring charges.

	Viceregal visit Reception charges	2,85,000
2.	Improvement of Cubbon Park	3,500
3.	Scheme for the Improvement of the Malnad	1,00,000
	Total ...	3,88,500
	Total recurring and non-recurring charges ...	4,93,519

NOTE.—Certain other charges have been provisionally debited to this head pending adjustment from anticipated savings under other heads at the end of the current official year, if necessary. It is possible that some of the grants sanctioned may not be fully utilized this year.